

**Before the
FEDERAL COMMUNICATION COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911)	PS Docket No. 11-153
and Other Next Generation 911 Applications)	
)	
Framework for Next Generation 911)	PS Docket No. 10-255
Deployment)	
)	
)	

I. INTRODUCTION

Sprint Nextel Corporation (“Sprint”) hereby submits these comments in response to Section III.A. of the Commission’s Further Notice of Proposed Rulemaking in the above-referenced proceeding.¹ The Commission, public safety entities, and the industry as a whole have taken significant steps toward enabling subscribers to utilize text messaging to contact emergency services. The four largest wireless carriers have demonstrated their willingness to further these efforts by entering into a voluntary commitment to provide text-to-911 service.² In the FNPRM, the Commission issued several proposals and clarifications pertaining to carriers’ obligation to issue an auto-reply message. In general, the Commission’s efforts to further clarify the auto-reply

¹ *Facilitating the Deployment of Text-to-911 and other Next Generation 911 Applications*, PS Docket No. 11-153; *Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, *Further Notice of Proposed Rulemaking* (Rel. December 13, 2012) (“FNPRM”).

² See Letter from Terry Hall, APCO International, Barbara Jaeger, NENA, Charles W. McKee, Sprint Nextel, Robert W. Quinn, Jr, AT&T, Kathleen O’Brien Ham, T-Mobile USA, and Kathleen Grillo, Verizon, to Julius Genachowski, Chairman, Federal Communications Commission, and Commissioners McDowell, Clyburn, Rosenworcel and Pai; PS Docket 11-153, PS Docket No. 10-255 (Dec. 6, 2012) (the “Voluntary Commitment”).

message requirements are commendable. However, the Commission should refrain from adopting some of the proposals outlined in the FNPRM, because they would require wireless carriers to undertake further development efforts and costs to provide additional features and capabilities beyond those outlined in the Voluntary Commitment.

II. DISCUSSION

A. Auto-Reply (Bounce-Back) Message Proposal

As a signatory to the Voluntary Commitment, Sprint has demonstrated its support for the Commission's text-to-911 initiative. The commitment to provide an auto-reply message will address the near-term concern that consumers may attempt to send a text message to 9-1-1 without being aware that text-to-911 is not yet available. This will help educate consumers about the limited availability of text-to-911. The wireless providers that signed the Voluntary Commitment did so, however, with the understanding that there were certain parameters to the commitments made due to the nature of short message service ("SMS"). The wireless provider signatories have advised the Commission and its Emergency Access Advisory Committee ("EAAC") that SMS is a store-and-forward messaging technology that was never designed nor deployed to provide any time-sensitive, mission-critical service. Accordingly, the Commission must remain cognizant of the fact that SMS is a "best-efforts" service and, as a result, there will be inherent limitations associated with a wireless provider's ability to reliably issue auto-reply messages.

From June 30, 2013 (the date by which the Voluntary Commitment signatories have agreed to implement auto-reply messages) until May 15, 2014 (the date by which the Voluntary Commitment signatories have agreed to implement text-to-911), the four major carriers committed to a bounce-back (auto-reply) message, even before the carriers

may implement text-to-911 service. The specific commitment is as follows: “Before the deployment of Text-to-9-1-1, the signatory service providers will implement a bounce-back (auto-reply) message to alert subscribers attempting to text an emergency message to instead dial 9-1-1 when Text-to-9-1-1 is unavailable in that area. The signatory service providers will implement the bounce-back (auto-reply) message by June 30, 2013.” To meet this commitment, a carrier could choose to originate its own auto-reply message without using a Gateway Service Provider (“GSP”), for example. A carrier could use a single, nationwide auto-reply message during this timeframe and send this message until it begins offering text-to-911 anywhere within its coverage footprint. This auto-reply message can be generated in a carrier’s Short Message Service Center (“SMSC”) and would indicate to subscribers that text-to-911 is not yet available. Once a carrier begins offering text-to-911, auto-reply messages that are sent to consumers may be originated by a GSP, if a GSP is being used for text-to-911 service.

Requiring carriers to originate an auto-reply message for other circumstances, such as network congestion, before carriers begin providing text-to-911 (and before a GSP is being utilized for this purpose) would not be technically feasible for some carriers at this time without further development work, time, and costs. Once a carrier transitions to using a GSP, it is possible that auto-reply messages could be originated for reasons other than the unavailability of service. That would, however, need to be specified and developed by carriers in cooperation with their GSP and would need to be based on specific standards and guidelines.

In the FNPRM, the Commission proposes, “... that CMRS providers and other providers of text messaging services should be required to automatically notify

consumers attempting to text-to-911 in areas where text-to-911 is not supported or in other instances where the text cannot be transmitted to the PSAP.”³ The signatories to the Voluntary Commitment agreed to implement an auto-reply message when text-to-911 is not available, but did not agree to provide an auto-reply message “in other instances where the text cannot be transmitted to the PSAP.” The Commission should not adopt this aspect of its proposal due to the limitations of SMS and due to providers’ inability to send an auto-reply message in all scenarios where a message does not reach the PSAP.

In addition to instances where text-to-911 is not available, there are other scenarios where a text message may be unable to be delivered to a 9-1-1 PSAP. Due to the limitations of SMS service, however, carriers may not be able to send an auto-reply message in all of these scenarios.⁴ As discussed in detail in other filings, SMS has a number of significant technical limitations.⁵ One significant limitation of SMS is that because there is no priority treatment of SMS text messages, delivery of a text may be delayed or maybe even not delivered. This technical limitation will impact a carrier’s ability to send auto-reply messages. For example, for carriers to send an auto-reply message, the text message sent by the subscriber must be received by a carrier’s SMSC. There will be situations, however, where the message does not reach the SMSC due to factors such as network congestion or SMSC congestion. In these situations, an auto-reply message

³ FNPRM at 10.

⁴ Sprint’s instant comments are limited to the capabilities and limitations of SMS text messaging and are not intended to apply to other types of messaging services.

⁵ See Comments of Sprint Nextel Corporation filed December 12, 2011 in PS Docket No. 10-255 and 11-153, at 6, 10-14. As discussed in earlier Comments, SMS is a store-and-forward messaging service that was not designed to provide immediate or reliable message delivery. SMS does not support two-way real-time communication; does not provide the sender’s location information; and does not support the delivery of other media such as photos, video, and data. Comments of Sprint Nextel Corporation filed February 28, 2011 in PS Docket No. 10-255.

cannot be sent because the text message is not visible to the SMSC. Due to the limitations of SMS service discussed in previous filings and in the Voluntary Commitment, the Commission should not require wireless providers to implement an auto-reply message “in other instances where the text cannot be transmitted to the PSAP.”

According to the Commission, the automatic notification requirement would only apply to situations where the provider (or the provider’s text-to-911 vendor) has direct control over the transmission of the text message and is unable to transmit the text message to the PSAP serving the texting party’s location, whether due to network congestion, the inability of the PSAP to accept such messages, or otherwise. The first part of this pronouncement, which clarifies the requirement only applies where a provider has “direct control over the transmission,” is a helpful clarification. The second part, however, expands the requirement in a way that would not be technically feasible for carriers without undertaking further development work, time and expense.

As discussed above, the signatory wireless providers agreed to provide an auto-reply message when text-to-911 service is unavailable. The Commission’s proposal would expand the circumstances to situations where there is network congestion and where a PSAP is unable to accept messages. In addition, the Commission has opened the door to other possible situations by using the phrase “or otherwise.” If the Commission requires auto-reply messages to be sent for these other scenarios, carriers could be faced with additional development work and associated development time and expenses. Even if this development work is undertaken by the GSP selected by a carrier (since the carrier itself may be unable to directly implement these enhanced features), the carrier would need to undertake the work associated with generating requirements for the GSP,

managing and tracking the development, paying for the development, and deploying the service on the carrier's network. In essence, the Commission would be requiring carriers to go beyond the "best-efforts" service outlined in the Voluntary Commitment. Therefore, the Commission should revise this language to make clear that the automatic notification requirement would only apply to situations where the provider (or the provider's text-to-911 vendor) has direct control over the transmission of the text message and text-to-911 is unavailable.

The Commission also proposes that during natural disasters and other large-scale emergencies where PSAPs may not be able to handle all incoming text messages, the PSAP or its text service provider may temporarily block incoming text messages and return an auto-reply message to the sender.⁶ The Commission proposes that, alternatively, a PSAP may choose to alert carriers and interconnected text service providers that it is temporarily unable to accept text message and that carriers and interconnected text service providers should then provide a temporary bounce-back message until the PSAP notifies them that it is ready to accept text messages again.⁷ This proposal would be rife with the potential for negative consequences, such as delays between the request by the PSAP and when the carrier and/or vendor receives the request and acts on it, both to turn "off" delivery of emergency message to 9-1-1 and to turn it back "on." These concerns would need to be thoroughly addressed prior to requiring an auto-reply message under these circumstances. The only acceptable method in such a case would be for a PSAP itself to return an automated message directly to the subscriber

⁶ FNPRM at 12, Footnote 70.

⁷ *Id.*

indicating that the PSAP is not currently accepting text messages and asking the subscriber to call 9-1-1 in the event of an actual emergency.

The Commission interprets the fact that the signatories to the Voluntary Commitment have agreed to provide a bounce back message whether such costs are recoverable under current state or local cost recovery programs to mean that it is feasible to provide bounce-back messages at a reasonable cost.⁸ Sprint disagrees with this interpretation. The signatories to the Voluntary Commitment have committed to provide an auto-reply message “independent” of their ability to recover these associated costs from state or local governments. This does not mean, however, that wireless providers will not seek cost recovery from state or local governments. Further, simply by making the commitment to provide an auto-reply message, wireless providers are in no way representing that the costs associated with sending auto-reply messages are reasonable.

B. Consumer Expectations and Education

The industry as a whole should bear responsibility for educating consumers about the limitations of text-to-911. The signatories to the Voluntary Commitment have agreed to provide an auto-reply message to subscribers that send a text-to-911 when text-to-911 is not available. The signatories to the Voluntary Commitment have also agreed to work with APCO, NENA, and the FCC to develop an outreach effort to set and manage consumer expectations regarding the availability and limitations of text-to-911 service (including when roaming) and the benefits of using voice calls to 9-1-1 whenever possible, and support APCO and NENA’s effort to educate PSAPs on text-to-911 generally. These commitments will help further the goal of consumer education. However, the Commission should take a leading role in educating consumers that text-to-911 is currently unavailable in most parts of the country

⁸ FNPRM at 11.

and should also educate consumers that placing a voice call to 9-1-1 is the preferred method for communicating to public safety.

III. CONCLUSION

The wireless industry, in cooperation with the FCC, the public safety community and representatives of deaf, hard-of-hearing and speech-impaired consumers, has taken significant steps toward eventually enabling the provision of text-to-911 service for all wireless subscribers. It is therefore critical to clarify precisely under which circumstances carriers will be expected to send potentially hundreds of millions of subscribers an auto-reply message should they attempt to send an SMS text message to 9-1-1. Some of the proposals in the Commission's FNPRM, however, go beyond sending an auto-reply message in instances when text-to-911 is not available. The Commission should not adopt these proposals at this time because it would require wireless carriers to undertake additional development and deployment work and will entail further time and expense. Consumer education will be critical to the text-to-911 initiative, and the Commission should take a leading role in educating potential users of text-to-911 service.

Respectfully Submitted,

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